

EXHIBIT B

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

07-00286

Category

9-14

1.

CTFS

1.

FEB 8 2007

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Bratton, Ronald	J-45341	C-wing Porter	C-W 133L

A. Describe Problem:

On 12-27-06 In a meeting for Islamic discussion we (Muslims and other holders of Special Religious Diet cards were told a new system for religious diet was being introduced. We were told we could request to have "Jewish Kosher Diet" plates or "Vegetarian Meals." According to Islamic Diet conferred on us by God, the Jewish diet though Kosher, but not "Halal". It is never the less meets a standard of acceptability for us as our diet does for them (Surah 5, Ayats 3-5) Since the CDC does not offer "Halal" Diets, it is the lesser of evil that us Muslims defer to the Kosher Diet. We we told the Jewish Chaplain or advisor would approve our meal selection by January 1, 2007 that did not happen. If you need more space, attach one additional sheet. (see Attached Sheet (side 2)) and the food manager refused to serve Muslims. "Kosher Meals on 1/2

B. Action Requested:

That you, the Jewish Chaplain (or advisor) OK the Kosher meals for Muslims who have requested such. I'm sure you can confer with the Imam of the institution and find it proper to do so. Just as us Muslims acknowledge and respect the law of Moses and dietary laws, we know the reciprocal is acknowledge for our "hus of the Holy Quran's" diet.

Inmate/Parolee Signature:

Ronald Bratton

Date Submitted:

1-2-07

C. INFORMAL LEVEL (Date Received: 1-9-07)

Staff Response:

Op. 67 clearly states that the Kosher Food Diet is only available for Jewish inmates who wish to practice the standards of Judaism. Therefore as you are Jewish you appeal is denied.

Staff Signature:

E. Klein

Date Returned to Inmate:

1-9-07

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

This argument has already been found in the U.S. District Court to be invalid. (Northern District, Cooper vs State of CA. case no. C02 3712 JSW (2003). "No later than 60 da from the full execution of the settlement agreement, All inmates who request participation will be allowed to" (see attached sheet).

Signature:

Ronald Bratton

Note: Property/Funds appeals must be accompanied by a completed

Board of Control of Property/Funds, Inmate Claim

RECEIVED

Date Submitted: Jan. 18, 2007

CDC Appeal Number:

FEB 14 2007

FEB 07 2007

JAN 30 2007

JAN 23 2007

07-00286

CTF APPEALS

AWBS OFFICE

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CTF APPEALS

First Level ☐ Granted ☒ P. Granted ☐ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: **MAR 29 2007**Due Date: **MAR 08 2007**

Interviewed by:

*See Attached*Staff Signature: *[Signature]*Title: *Marsh Chapin*Date Completed: *2/12/07*Division Head Approved: *[Signature]*Title: *CBM II*

Returned

Signature: *[Signature]*Title: *CBM II*Date to Inmate: *FEB 8 2007*

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

At interview Ms. Hedrick was reminded "denial of Kosher meal was violations of law and rights as defined by court and const." She replied she was bound "not by law or court but by CDC policy," which banned Muslims from Kosher meal. Vegetar meal offered is not an acceptable replacement to halal diet which includes meat

Signature: *Ronald Bratton*Date Submitted: *(see attached) February 11, 2007*Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: **FEB 14 2007**Due Date: **MAR 15 2007**☒ See Attached LetterSignature: *[Signature]*Date Completed: *2/22/07*Warden/Superintendent Signature: *[Signature]*Date Returned to Inmate: *FEB 22 2007*

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

RECEIVEDDIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other☐ See Attached Letter

CDC 602 (12/87)

FEB 14 2007

Date: _____

CTF APPEALS

Department of Corrections and Rehabilitation
Correctional Training Facility
Soledad, California

SUPPLEMENTAL PAGE

RE: CTF APPEALS LOG # *CTF-C-07-00286*
Second Level Reviewer's Response

NAME: BRATTON

CDC# J-45341

HOUSING: CW-133L

APPEAL DECISION:

PARTIALLY GRANTED

APPEAL ISSUE: LIVING CONDITIONS

You believe you are being denied access to the Jewish Kosher Food Diet and that institutions are required to provide you with a religious diet if requested. You believe the vegetarian diet is not acceptable.

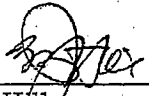
APPEAL RESPONSE:

Several federal courts have concluded recently that a prison' refusal to provide inmates with halal meat was constitutionally adequate. *Williams v. Morton*, 343 F.3d 212 (3d. Cir. 2003); *Hudson v. Maloney* 326 F.Supp.2d 206 (D. Mass. 2004). Upon consulting the decisions of courts that considered the issue before September 2002, "the vast majority of these courts had determined that a prison permissibly discharged its constitutional duty to respect the dietary beliefs of Muslim inmates by offering an alternative, pork-free diet, and more broadly, that the law permitted prison authorities to limit the dietary options available to prisoners in the interests of reducing the costs and burdens entailed in accommodating the smorgasbord of food-related religious beliefs likely to be encountered in a prison population." *Hudson*, 326 F.Supp.2d at 211.

You have not been denied a diet that meets the expectations of your faith. You have failed to provide any information which indicates you were denied the Special Religious Diet Option 1- Vegetarian meals. You may complete a CDCR form 3030 Religious Diet Request, and forward it to the Muslim Chaplain for review. The Regular and Vegetarian diets contain no pork or pork products. The vegetarian diet serves no meat except fish and fish is Halal. Therefore, there is a dietary option that accommodates your religious beliefs.

Based on the information provided in this appeal and a review of appeal number CTF-C-7-00286 and other information gathered your appeal remains **PARTIALLY GRANTED**.

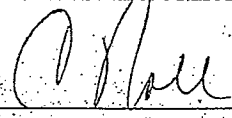
Reviewed by:



W. J. Hill
Associate Warden Business Services

2/27/07

Date



B. Curry
Warden (A)

2/26/07

Date

INMATE APPEAL ROUTE SLIP

To: AW - BUS SVCS

Date: February 15, 2007

From: INMATE APPEALS OFFICE

Re: Appeal Log Number **CTF-S-07-00286** By Inmate **BRATTON, J45341**

Please assign this appeal to appropriate staff for **SECOND** level response.

Appeal Issue: **LIVING CONDITIONS**

Due Date: **03/15/2007**

Special Needs:

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: **GRANTED, DENIED, PARTIALLY GRANTED** or **WITHDRAWN**. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

J. Aboytes, CCII / P.G. Dennis, CCII
Appeals Coordinators,
Correctional Training Facility

RECEIVED

FEB 16 2007

AWBS OFFICE

Department of Corrections and Rehabilitation
Correctional Training Facility
Soledad, California

SUPPLEMENTAL PAGE

RE: CTF APPEALS LOG # CTF-C-07-00286
First Level Reviewer's Response

NAME: BRATTON CDC# J-45341 HOUSING: CW-133L

INTERVIEWED BY: B. Hedrick, Correctional Business Manager II
Religious Coordinator

RECEIVED

FEB 07 2007

APPEAL DECISION:

AWBO OFFICE

PARTIALLY GRANTED

APPEAL ISSUE: LIVING CONDITIONS

You believe you are being denied access to the Jewish Kosher Food Diet and that institutions are required to provide you with a religious diet if requested.

APPEAL RESPONSE:

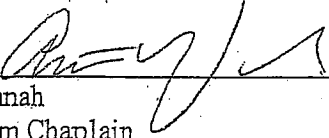
You were interviewed by B. Hedrick Correctional Business Manager II and Religious Coordinator, on Friday, February 02, 2007, at approximately 1200 hours. A thorough review of your appeal's package and all of your attachments has been completed and reveals the following:

You are not a Jewish inmate and are therefore not entitled to the Jewish Kosher Diet. CCR Title 15 section 3054.2 (a) states, "Jewish inmates may participate in the program as determined by a Jewish Chaplain. This portion of your appeal is denied.

You have not been denied a diet that meets the expectations of your faith. You have failed to provide any information which indicates you were denied the Special Religious Diet Option 1- Vegetarian meals. You may complete a CDCR form 3030 Religious Diet Request, and forward it to the Muslim Chaplain for review. The Regular and Vegetarian diets contain no pork or pork products. The vegetarian diet serves no meat except fish and fish is Halal. Therefore, there is a dietary option that accommodates your religious beliefs.

Based on the information provided in this appeal and a review of appeal number CTF-C-7-00286 and other information gathered your appeal is **PARTIALLY GRANTED**.

Reviewed by:


A. Jannah
Muslim Chaplain

2/6/07
Date


B. Hedrick
Correctional Business Manager II

2/16/07
Date

ATTACHMENT A

STATE OF CALIFORNIA
RELIGIOUS DIET REQUEST
CDCR 3030 (09/05)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DISTRIBUTION:
ORIGINAL - C-FILE
COPY - INMATE
COPY - CHAPLAIN
COPY - CORRECTIONAL FOOD MANAGER

INMATE NAME: <u>Bratton, R</u>		FACILITY: <u>CTF Central</u>	
CDCR NO.: <u>J-45341</u>		HOUSING UNIT: <u>CW-133L</u>	
SIGNATURE: <u>Ronald Bratton</u>		DATE OF REQUEST: <u>12-27-06</u>	
RELIGION: <u>Muslim</u>		RELIGIOUS GROUP (optional): <u>Muslim</u>	
I HAVE BEEN PRACTICING THIS RELIGION		GROUP ADDRESS: <u>Island Center</u>	
SINCE: <u>1953</u>		<u>400 S Vermont</u>	
		<u>LA, CA</u>	
		TELEPHONE NO: _____	

The California Department of Corrections and Rehabilitation offers two religious meal options:

- Option 1- Vegetarian meals (including dairy products and eggs) based on regular institution meals. Vegetarian protein substitutes are offered when meats are served. Fish may be included.
- Option 2 - Jewish kosher meals. ~~This program is for Jewish inmates of who wish to follow the standards of Judaism.~~

What are the religious dietary laws to which you must adhere, and the tenets of your religion?

Halal

Can your religious dietary needs be met by not eating pork, and/or following a vegetarian diet? If not, please explain why.

No. Does not contain Halal meal

Attach documentation to support your request (optional)

INMATES DO NOT WRITE BELOW THIS LINE

DIET REQUEST: Jewish Religious Diet ~~APPROVED~~ **DENIED**

If denied, give reason(s): NOT OF JEWISH FAITH

Other Action Taken / Comments:

CHAPLAIN'S SIGNATURE: E.P. [Signature] DATE: 1/2/07

Date Application Received: 1/7/07 Date Inmate Interviewed: 1/9/07

15 CA ADC § 3054.2

Term

15 CCR s 3054.2

Cal. Admin. Code tit. 15, s 3054.2

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE
CHAPTER 1. RULES AND REGULATIONS OF ADULT OPERATIONS AND PROGRAMS
ARTICLE 4. FOOD SERVICES

This database is current through 12/15/06, Register 2006, No. 50.
s 3054.2. Jewish Koshér Diet.

- (a) Jewish kosher meals shall be available at designated institutions. Jewish inmates may participate in the program, as determined by a Jewish Chaplain.
- (b) Jewish inmates with unmet kosher dietary needs may, when classification is appropriate, be considered for transfer to another institution that can provide the Jewish inmate with a kosher diet.
- (c) Jewish inmates shall not give away, trade, or sell a sack meal. Doing so may result in a compliance violation of the Religious Diet Program Agreement.
- (d) All institutions will adhere to standardized departmental Jewish kosher diet program menus and approved procedures for purchasing, preparing, and serving kosher meals.
- (e) Observance of Passover constitutes a single religious event, requiring kosher for Passover foods to be provided during the eight days of observance.
- (f) Each institution shall arrange for ongoing and appropriate training for all inmate workers, and custody and food service employees involved in the supervising, ordering, preparation, and serving of kosher meals.
- (g) The Jewish kosher diet program shall be administered in accordance with the provisions of this Article. A Jewish Chaplain shall:
 - (1) Determine inmate entry into the Jewish kosher diet program, oversee the program, and determine Jewish inmate compliance violations.
 - (2) Review each institution's Jewish kosher diet program annually. Provide results of the review to the Correctional Food Manager (CFM).

I don't have a OP's, '05,' but I do know that prejudice and favoritism is being practiced by the exclusion of 'Muslim inmates' from the Kosher diet program under implementation here at CTE, Soledad, Central, in defiance of the California Code of Regulations Title 15, 3004(c)

"Inmates, parolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap."

And also in violation of federal regulation "Right to equal treatment" 14th Amendment U.S.C., also 42 U.S.C. 1983

"Prisoners do not forfeit all equal protection rights upon incarceration; however, practices that result in unequal treatment among prisoners are permissible 'if such practices bear a rational relation to a legitimate penal interest.' To successfully claim a violation of the right to equal treatment, an inmate must prove that (1) similarly situated inmates are treated differently by the government, and (2) there is no rational basis for the dissimilar treatment."

Thomas v. Gunter, 32 F. 3d 1258, 1260 (8th Cir. 1994) "Equal protection violated when inmates of one religion denied access to lodge for prayer that prisoners of other religion used 'if denial of access not rationally related to legitimate penological interests'."

"Prison officials must afford prisoners opportunity to exercise our religious freedoms."

The Title 15 states "Any inmate who claims to require a religious diet shall be responsible for completing a CDCR form 3030 (09/05), Religious Diet Request which is incorporated by reference, and submitting it to the appropriate chaplain."

This inmate did that, and was told the "Jewish Chaplain" would determine whether or not he would be allowed to participate in the program, which was strange since the Muslim Chaplain was supposed to know what dietary restrictions applied to Muslims, and whether or not it was appropriate for the Muslims to be in the program. The institution does not have a 'Halal diet program' specifically designed for the Muslim inmates, but the Title 15 3054(a) rule states "Each institution shall make reasonable efforts, as required by law, to accommodate those inmates who have been determined to require a religious diet. Religious meals shall not be restricted from inmates based on their classification. (being Muslim is a classification), or housing placement. The institution cannot qualify an inmate's religious diet based specifically on its' own whim." The law states, "A prisoner asserts his or her right of religious liberty by establishing that his or her beliefs are sincere and religious in nature." This is done in Islam by stating the "Declaration of Faith," that there is no God but God (Allah), and Muhammad is his messenger." Then we pray the five daily prayers, pay the zakat, fast, and go on hajj if possible, at least once in life. Jewish Rabbis do not determine the perimeters of our religion. The revelation from God (Allah) determines our diet as given in "The Holy Quran," the last in a series of revelations from him. We acknowledge the revelations to the prophets Jesus, Moses, David, Adam, and Muhammad, but the mean spirited "people of the Book" do not acknowledge God's (Allah's) last revelation, and are unable to judge us

in matters in religion. The ideology of intollerant and impious people is not 'rational and reasonable,' and the fanatical enmity they have has shown because the Jewish Rabbi has denied all Muslim inmates the right to participate in the kosher diet program. The two diet religious programs now being implemented in CTF-Central do not specifically address the "Muslim diet standard," (Halal meats) therefore persons of Islamic faith must 'bear the oppression' of our captors and 'make-do' with what is offered nearest to our dietary needs. The Holy Quran describes our restrictions;

Sura 5, ayat 3,5; "Forbidden to you for food are; dead meat, blood, the flesh of swing, and that on which hath been invoked the name of other than Allah. That which hath been killed by strangling or by a violent blow, or by a head long fall, or by being gored to death; That which hath been partly eaten by a wild animal, unless ye are able to slaughter it (in due form). That which is sacrificed on stone alters. This day have those who reject faith given up hope of your religion. Yet fear them not, but fear me. This day have I perfected your religion for you, completed my favor upon you, and have chosen for you Islam as your religion. But if any is forced by hunger, with no inclination to transgression, Allah is indeen oft-forgiving most merciful."

(5) "This day are all things good and pure made lawful unto you. The food of the people of the book is lawful unto you, and yours is lawful unto them."

As you can see, God (Allah) our creator, gives 'Both Muslims and the people of the book' (known universally as the Children of Isreal) the same dietary restrictions. In fact, the Jews' only restrictions are what they put on themselves; The priests and rabbis 'jockeying for special positions' among themselves by imposing restrictions on their own people 'NOT SANCTIONED BY GOD.'

Holy Quran, Sura 4, ayat 160 states; "For the iniquity of the Jews we made unlawful for them certain foods good and wholesome which had been lawful for them, -in that they hindered many from Allah's way."

Sura 3, ayat 93; "All food was lawful to the Children of Isreal, except what Isreal made unlawful for itself, before the law of Moses was revealed. Say, You bring the law and study it, if you be men of truth."

Sura 10, ayat 59; "Say, Do you see what things Allah has sent down to you for sustenance? Yet you hold forbidden some things thereof and lawful. Say, Has Allah indeed permitted you, or do you invent things to attribute to Allah."

Since the CDC is allowing the Jewish chaplain to monitor the meal program, he has used this as an opportunity to show his bias, enmity, favoritism, and prejudice by 'banning Muslim inmates' from it. THE FEDERAL STANDARD UNDER THE 14th AMENDMENT, AND 42 U.S.C. 1983 IS WE CAN BE DENIED OUR RELIGIOUS FREEDOMS 'ONLY IF NO ALTERNATIVE EXISTS.' "NO ONLY PROGRAMS IN THE FEDERAL OR STATE RELIGIOUS RIGHTS RULES CAN EXIST 'ONLY THOSE PRIORLY STATED', IF DENIAL OF ACCESS RELATED TO RATIONAL LEGITIMATE PENOLOGICAL INTEREST." Here, the only interest is the mockery the Jewish rabbi is making of legitimate Muslim religious rites, and the enmity he is fermenting between inmates, and or staff.

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: MAY 21 2007

In re: Bratton, J-45341
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

IAB Case No.: 0611152

Local Log No.: CTF 07-00286

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner Michael H. Jensen, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position there have been abuses of the Religious Diet program at Correctional Training Facility (CTF). The appellant contends the vegetarian diet provided Muslim inmates should be replaced with Halal meals. The appellant stated he wished to receive the Jewish Religious Diet, but was denied because he was not Jewish. The appellant believes it is a violation of the equal rights clause to deny him the same meal as another inmate. The appellant requests the Jewish Chaplain approve his receiving the Kosher meals.

II SECOND LEVEL'S DECISION: The Second Level of Review (SLR) indicated that inmates with special religious dietary needs that prohibit them from consuming an item from the daily scheduled meal may be accommodated by being provided another item from that days' scheduled meal that is consistent with their dietary needs. The staff response informed the appellant the institution does not offer Halal meats; however, vegetarian items can be substituted in place of meat. The CTF appeal response noted the regular and vegetarian diets contain no pork or pork products. It was noted the vegetarian diet serves no meat except fish and fish is Halal. The SLR stated the fish option accommodates the appellant's religious beliefs, thus the appeal was considered granted in part.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: CDCR Operations Manual Section (DOM) 54080.14 provides the guidelines for an inmate to receive a Religious Diet. In reviewing the requirements as stated in DOM, and the documentation submitted by the appellant, it appears CTF was correct in granting in part the appellant's appeal.

The Director's Level of Review (DLR) has reviewed the appellant's contention that the meals being prepared by the CTF Food Service section violate Muslim law. If the appellant continues to believe this is true, the appellant may wish the Muslim Chaplain to speak to the Food Service Manager to discuss this issue. The appellant has the right to receive a religious meal properly prepared by the CTF Food Service Department.

The DLR has reviewed the appeal documentation and has determined the appellant is not required to eat products forbidden by his religious beliefs. The department has provided him a Heart Healthy alternative diet that meets all dietary requirements established by the Food and Nutrition Board of the National Research Council. The DLR finds no basis on which to modify the SLR.

B. BASIS FOR THE DECISION:

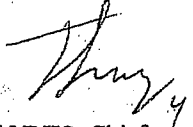
California Code of Regulations, Title 15, Section: 3001, 3051, 3052, 3054, 3084.2
DOM: 54080.1.5, 54080.3, 54080.6

C. ORDER: No changes or modifications are required by the institution.

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This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CTF
Appeals Coordinator, CTF